

**FILED**

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WESTERN DISTRICT OF TEXAS  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA  
*ex rel.* Gerald Koppes, M.D.,

Plaintiff,

v.

HCA HOLDINGS, INC.,  
COLUMBIA/HCA HEALTHCARE  
CORPORATION OF CENTRAL TEXAS,  
and METHODIST HEALTHCARE  
OF SAN ANTONIO, LTD., L.P.P.,

Defendants.

**Civ. A. No. 5:16-cv-00376-FB \*SEALED\***

**FILED UNDER SEAL  
AND IN CAMERA**

**CONSENT MOTION TO DISMISS WITHOUT PREJUDICE**

Relator Gerald Koppes, M.D. moves to dismiss this *qui tam* action voluntarily and without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Under the False Claims Act, a *qui tam* action "may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." 31 U.S.C. § 3730(b)(1). The United States has informed Relator that it intends to decline to intervene and consents to dismissal of this action without prejudice. The parties request that the Court grant this motion and enter the attached order, which will unseal the *qui tam* Complaint and dismiss this action without prejudice.

Date: November 20, 2017

Respectfully submitted,

GERARLD KOPPES, M.D.  
Relator

By:

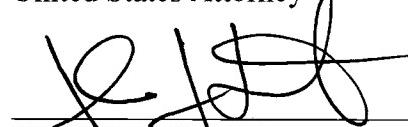


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**UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA  
*ex rel.* Gerald Koppes, M.D.,

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**FILED UNDER SEAL**

**ORDER UNSEALING AND DISMISSING *QUI TAM* ACTION**

The Court, having noted that the Relator Gerald Koppes, M.D., has moved pursuant to Fed. R. Civ. P. 41(a)(2) to dismiss this *qui tam* action without prejudice, and having noted that the United States consents to the dismissal, orders as follows:

1. Relator's Consent Motion to Dismiss Without Prejudice is GRANTED and this action is hereby DISMISSED WITHOUT PREJUDICE.

2. The Clerk is directed to UNSEAL the following items: (1) the Complaint; (2) Relator's Consent Motion to Dismiss Without Prejudice; and (3) this Order.

3. Except as otherwise provided in the preceding paragraph, all documents filed in this action prior to the date of this Order shall remain UNDER SEAL.

4. The seal is lifted as to all documents filed after the date of this Order.

IT IS SO ORDERED.

SIGNED on November \_\_\_, 2017

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HON. FRED BIERY  
UNITED STATES DISTRICT JUDGE